

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

STORM BLANTON

PLAINTIFF

V.

CIVIL ACTION NO. 3:19-CV-620-KHJ-LGI

DAVID PAUL, WARDEN

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation (“Report”) of United States Magistrate Judge LaKeysha Greer Isaac. [14]. That Report recommends that the Court dismiss Plaintiff Storm Blanton’s Petition for Writ of Habeas Corpus [1]. Written objections to the Report were due by April 12, 2022. The Report notified the parties that failure to file written objections to the findings and recommendations by that date would bar further appeal in accordance with 28 U.S.C. § 636.

When no party has objected to a magistrate judge’s report and recommendation, the Court need not review it de novo. 28 U.S.C. § 636(b)(1). In such cases, the Court can apply the clearly erroneous, abuse of discretion, and contrary to law standards of review. *See United States v. Brigham*, 569 F.3d 220, 228 (5th Cir. 2009) (citation omitted).

The United States District Court for the Northern District of Texas convicted Blanton of being a felon in possession of a firearm. *See* [14] at 1. He is currently in federal custody in Yazoo City, Mississippi. [1] at 1. Blanton petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241. *See* Mem. in Support of Petition for

Habeas Corpus [2]. He challenges the legality of his felon-in-possession charge under *Rehaif v. United States*, 139 S. Ct. 2191 (2019). *Id.* The Magistrate Judge recommended that the Court dismiss the Petition, finding Blanton failed to establish that he was convicted of a non-existent offense and that none of his arguments invoked the §2255(e) savings clause exception. [14] at 4. The Magistrate Judge found that “[a]bsent the savings clause, this Court is without jurisdiction to consider [Blanton’s] § 2241 petition.” *Id.* Blanton did not object to the Recommendation, and his time to do so has passed. The Court finds the Report and Recommendation is not clearly erroneous or contrary to law. The Court adopts the Report and Recommendation as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendation [14] of United States Magistrate Judge LaKeysha Greer Isaac, entered in this cause should be, and the same is, adopted as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that Blanton’s Petition for Writ of Habeas Corpus is DENIED, and this case is DISMISSED. A separate final judgment shall issue this day.

SO ORDERED AND ADJUDGED this the 15th day of April, 2022.

s/ Kristi H. Johnson
UNITED STATES DISTRICT JUDGE